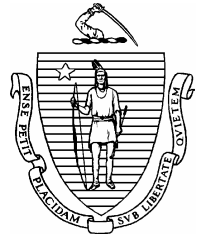


Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY
DOCKET NO. 06-0004

IN THE MATTER OF ANGELO R. BUONOPANE

DISPOSITION AGREEMENT

The State Ethics Commission and Angelo R. Buonopane enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On May 5, 2005, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Buonopane. The Commission concluded its inquiry and, on February 9, 2006, found reasonable cause to believe that Buonopane violated G.L. c. 268A.

The Commission and Buonopane now agree to the following findings of fact and conclusions of law.

Findings of Fact

1. In January 2004, the Governor appointed Buonopane as the Massachusetts Labor Director. Buonopane served as Labor Director until April 16, 2005.
2. As Labor Director, Buonopane was subject to "The Red Book," which is the personnel manual for state employees that lists the terms and conditions of employment. Pursuant to the Red Book, Buonopane as Labor Director was entitled to four weeks vacation and three personal days annually, plus any accrued time from the past.
3. During his tenure as Labor Director, Buonopane, however, submitted timesheets which resulted in his receiving approximately eight additional weeks vacation/personal time in which he had reason to know was in excess of what was properly available to him.
4. Buonopane was paid approximately \$18,000 for this excess vacation/personal time.

Conclusions of Law

5. General laws, c. 268A, § 23(b)(2) prohibits a municipal employee from knowingly, or with reason to know, using his official position to secure for himself or others unwarranted privileges which are of substantial value and not properly available to similarly situated individuals.
6. As the Labor Director, Buonopane was a state employee within the meaning of G.L. c. 268A.

7. Buonopane's taking of approximately \$18,000 in unauthorized vacation/personal time compensation was a privilege of substantial value.

8. Buonopane used his Labor Director position to obtain this unauthorized vacation/personal time compensation.

9. Buonopane's taking approximately \$18,000 in vacation/personal time compensation was unwarranted because it exceeded what he was authorized to take.

10. This unwarranted privilege was not otherwise properly available to similarly situated state employees.

11. Therefore, by with reason to know using his position as Labor Director to secure for himself unwarranted privileges of substantial value not properly available to similarly situated individuals, Buonopane repeatedly violated §23(b)(2).¹

Resolution

In view of the foregoing violations of G.L. c. 268A by Buonopane, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Buonopane:

- (1) that Buonopane pay to the Commission the sum of \$10,000 as a civil penalty for violating G.L. c. 268A as noted above;
- (2) that Buonopane reimburse the Commonwealth of Massachusetts the sum of \$18,000 as a civil forfeiture for the unearned vacation/personal time compensation that he took; and
- (3) that Buonopane waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: March 20, 2006

¹ The Commission recognizes that Buonopane was told by Labor Department personnel subordinates that he had "unlimited" vacation/personal time. The Commission does not view this as mitigating because: (1) no appointed executive branch state employee has unlimited vacation/personal time; (2) Buonopane had reason to know this; and (3) even if he thought he had an undefined amount of vacation/personal time, the time he actually took was excessive under any reasonable view.